



Document No.: SPRX-0068

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of :
Mark L. FAUPEL, et al. :
Serial No.: 10/647,222 : Customer No.: 34610
Filed: August 26, 2003 :
For: SYSTEM AND METHOD FOR DETERMINING TISSUE CHARACTERISTICS

INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the indicated date. Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, that information cited in the statement is considered to be and/or is material to patentability, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

1. This Information Disclosure Statement is being filed (i) within three months of the U.S. filing date of a U.S. application other than a CPA continued prosecution application under §1.53(d) OR (ii) within three months of the date of entry of the national stage as set forth in §1.491 in an international application OR (iii) before the mailing date of a first Office Action on the merits. No certification or fee is required. 37 C.F.R. §1.97(b).

— 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application. 37 C.F.R. §1.97(c).

— a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).

- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
- c. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
- 3. This Information Disclosure Statement is being filed after the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application, but on or before payment of the Issue Fee. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 C.F.R. §1.97(d).
- a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).
- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).

4. Copies of the references were cited by or submitted to the Office in parent applications U.S Patent Application Serial Nos. 10/611,917 filed July 3, 2003, 10/603,597 filed June 26, 2003, 10/337,687 filed January 8, 2003, and 10/446,857 filed May 29, 2003, and International Application No. PCT/US02/06350 filed March 1, 2002, which are relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 C.F.R. §1.98(d).

5. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

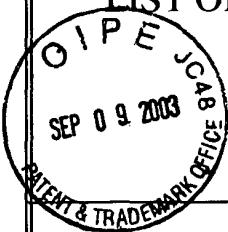
Respectfully submitted,
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Date: September 9, 2003

Please direct all correspondence to Customer Number 34610

LIST OF PRIOR ART CITED BY
APPLICANT
(PTO-1449)



ATTY. DOCKET NO.
SPRX-0068

APPLN. SERIAL NO.
10/647,222

APPLICANT(S)
Mark L. FAUPEL, et al.

CUSTOMER NO. 34610

FILING DATE
August 26, 2003

GROUP
To Be Assigned

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	*PATENT NO.	*ISSUE DATE	*INVENTOR NAME	CLASS	SUBCLASS	FILING DATE
	3,494,354	02/10/70	YOKOTA et al.			
	4,056,724	11/01/77	HARTE			
	4,071,020	01/31/78	PUGLIESE			
	4,084,905	04/18/78	SCHREIBER et al.			
	4,099,872	07/11/78	WHITE			
	4,115,699	09/19/78	MIZUTA et al.			
	4,122,348	10/24/78	BRUCK			
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	4,127,773	11/28/78	WEST			
	4,131,800	12/26/78	BRUCK et al.			
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	4,449,535	05/22/84	RENAULT			
	4,501,970	02/26/85	NELSON			
	4,516,856	05/14/85	POPELKA			
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	4,643,877	02/17/87	OPITZ et al.			
	4,661,711	04/28/87	HARJUNMAA			
	4,675,529	06/23/87	KUSHIDA			

EXAMINER

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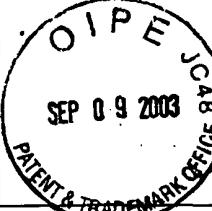
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EXAMINER'S INITIALS	*PATENT NO.	*ISSUE DATE	*INVENTOR NAME	CLASS	SUBCLASS	FILING DATE
	4,681,859	07/21/87	KRAMER			
	4,682,594	07/28/87	MOK			
	4,686,371	08/11/87	BIRCH et al.			
	4,697,870	10/06/87	RICHARDS			
	4,718,417	01/12/88	KITTRELL et al.			
	4,722,607	02/02/88	ANSELMENT et al.			
	4,731,326	03/15/88	THOMPSON et al.			
	4,751,190	06/14/88	CHIAPETTA et al.			
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	4,755,684	07/05/88	LEINER et al.			
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	4,828,984	05/09/89	SCHWARTZ			
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	4,957,114	09/18/90	ZENG et al.			
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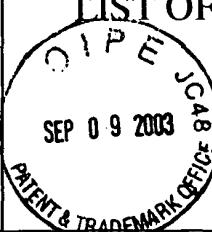
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U.S. PATENT DOCUMENTS

EXAMINER' S INITIALS	*PATENT NO.	*ISSUE DATE	*INVENTOR NAME	CLASS	SUBCLASS	FILING DATE
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	4,981,138	01/01/91	DECKELBAUM et al.			
	4,988,212	01/29/91	SUN et al.			
	5,003,977	04/02/91	SUZUKI et al.			
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	5,062,431	11/05/91	POTTER			
	5,090,415	02/19/92	YAMASHITA et al.			
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	5,187,672	02/16/93	CHANCE			
	5,192,278	03/09/93	HAYES et al.			
	5,196,709	03/23/93	BERNDT et al.			
	5,201,318	04/13/93	RAVA et al.			
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	5,205,291	04/27/93	POTTER			
	5,212,099	05/18/93	MARCUS			
	5,213,105	05/25/93	GRATTON et al.			
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	5,304,173	04/19/94	KITTRELL et al.			
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	5,318,023	06/07/94	VARI et al.			
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	5,329,353	07/12/94	ICHIMURA et al.			
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	5,340,716	08/23/94	ULLMAN et al.			
	5,345,941	09/13/94	RAVA et al.			
	5,348,018	09/20/94	ALFANO et al.			
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	5,349,954	09/27/94	TIEMANN et al.			
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	5,363,854	11/15/94	MARTENS et al.			
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	5,383,467	01/24/95	AUER et al.			
	5,386,827	02/07/95	CHANCE et al.			
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U.S. PATENT DOCUMENTS			
EXAMINER' S INITIALS	*PATENT NO.	*ISSUE DATE	*INVENTOR NAME
	5,395,752	03/07/95	LAW et al.
	5,402,778	04/04/95	CHANCE
	5,408,996	04/25/95	SALB
	5,413,108	05/09/95	ALFANO
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	5,422,719	06/06/95	GOLDSTEIN
	5,435,307	07/25/95	FRIAUF et al.
	5,439,000	08/08/95	GUNDERSON et al.
	5,452,723	09/26/95	WU et al.
	5,459,323	10/17/95	MORGAN
	5,460,971	10/24/95	GOTTLIEB
	5,467,767	11/21/95	ALFANO et al.
	5,474,910	12/12/95	ALFANO
	5,479,099	12/19/95	JILES et al.
	5,480,775	01/02/96	ITO et al.
	5,485,530	01/16/96	LAKOWICZ et al.
	5,489,536	02/06/96	EKECHUKWU
	5,491,343	02/13/96	BROOKER
	5,492,118	02/20/96	GRATTON et al.
	5,497,769	03/12/96	GRATTON et al.
	5,500,536	03/19/96	NOGAMI et al.
	5,503,616	04/02/96	JONES
	5,504,336	04/02/96	NOGUCHI
	5,507,287	04/16/96	PALCIC et al.
	5,515,864	05/14/96	ZUCKERMAN
	5,517,313	05/14/96	COLVEN, Jr.
	5,533,508	07/09/96	DOIRON
	5,536,235	07/16/96	YABE et al.
	5,548,124	08/20/96	TAKESHIMA et al.
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	5,533,614	09/10/96	CHANCE				
	5,555,885	09/17/96	CHANCE				
	5,557,415	09/17/96	NJELSEN et al.				
	5,562,100	10/08/96	KITTRELL et al.				
	5,564,417	10/15/96	CHANCE				
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	5,582,168	12/10/96	SAMUELS et al.				
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	5,612,540	03/18/97	RICHARDS-KORTUM et al.				
	5,619,992	04/15/97	GUTHRIC et al.				
	5,623,932	04/29/97	RAMANUJAM et al.				
	5,624,847	04/29/97	LAKOWICZ et al.				
	5,626,134	05/06/97	ZUCKERMAN				
	5,628,310	05/13/97	RAO et al.				
	5,630,423	05/20/97	WANG et al.				
	5,635,402	06/03/97	ALFANO et al.				
	5,647,368	07/15/97	ZENG et al.				
	5,664,574	09/09/97	CHANCE				
	5,673,701	10/07/97	CHANCE				
	5,674,182	10/07/97	SUZUKI et al.				
	5,678,550	10/21/97	BASSEN et al.				
	5,683,888	11/04/97	CAMPBELL				
	5,687,730	11/18/97	DOIRON et al.				
	5,697,373	12/16/97	RICHARDS-KORTUM et al.				
	5,699,795	12/23/97	RICHARDS-KORTUM et al.				
	5,699,798	12/23/97	HOCHMAN et al.				
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<p style="text-align: center;">LIST OF PRIOR ART CITED BY APPLICANT (PTO-1449)</p> <p style="text-align: center;">O I P E JCA SEP 09 2003 PATENT & TRADEMARK OFFICE 84</p>		ATTY. DOCKET NO. SPRX-0068		APPLN. SERIAL NO. 10/647,222		
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	5,701,902	12/30/97	VARI et al.			
	5,701,903	12/30/97	SANO et al.			
	5,713,352	02/03/98	ESSENPREIS et al.			
	5,713,364	02/03/98	DEBRAYSHE et al.			
	5,722,406	03/03/98	PAPAIOANNOU			
	5,762,609	06/09/98	BENARON et al.			
	5,797,836	08/25/98	LUCEY et al.			
	5,807,263	09/15/98	CHANCE			
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	5,852,494	12/22/98	SKLADNEV et al.			
	5,893,712	04/13/99	STONE et al.			
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	5,916,210	06/29/99	WINSTON			
	5,912,179	06/15/99	ALVAREZ et al.			
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	5,920,399	07/06/99	SANDISON et al.			
	5,929,985	07/27/99	SANDISON et al.			
	5,941,822	08/24/99	SKLADNEV et al.			
	5,941,834	08/24/99	SKLADNEV et al.			
	5,949,077	09/07/99	ALFANO et al.			
	5,953,477	09/14/99	WACH et al.			
	5,983,125	11/09/99	ALFANO et al.			
	5,984,861	11/16/99	CROWLEY			
	5,991,653	11/23/99	RICHARDS-KORTUM et al.			
	6,021,344	02/2000	LUI et al.			
	6,055,451	04/2000	BAMBOT et al.			
	6,070,093	05/2000	OOSTA et al.			
	6,091,984	07/2000	PERELMAN et al.			
	6,104,939	08/2000	GRONER et al.			
	6,246,901	06/2001	BENARON			
EXAMINER			DATE CONSIDERED			

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LIST OF PRIOR ART CITED BY APPLICANT (PTO-1449)		ATTY. DOCKET NO. SPRX-0068	APPLN. SERIAL NO. 10/647,222			
		APPLICANT(S) Mark L. FAUPEL, et al.				
		CUSTOMER NO. 34610				
		FILING DATE August 26, 2003	GROUP To Be Assigned			
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						Yes
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